IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

CRP.No. 111 of 2005()

AGAINST THE ORDER DATED 03/11/2003 IN IA 1799/03 IN LAR.49/1990 of II ADDL.SUB COURT,TRIVANDRUM

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REVN. PETITIONER: PETITIONERS/CLAIMANTS

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1. FATHIMA BEEVI,
   W//O. DECEASED AHAMMED KANNU, RESIDING
   AT T.C.48/420, KUNNIL VEEDU, PALLI STREET,
   POONTHURA P.O., THIRUVANANTHAPURAM DISTRICT.

2. SHAHIDA BEEVI, DAUGHTER OF AHAMMED KANNU
   DO. DO.

3. LAILA BEEVI, DAUGHTER OF AHAMMED KANNU,
   DO. DO.

4. SHARAFUNNISA BEEVI, DAUGHTER OF
   AHAMMED KANNU, DO. DO.

5. RAFEEKA BEEVI, DAUGHTER
   OF AHAMMED KANNU, DO. DO.

BY ADV. SRI.I.ANWAR HUSSAIN
SRI.V.S.AFSAL KHAN

RESPONDENTS: COUNTER PETITIONER/RESPONDENT

STATE OF KERALA REPRESENTED BY
THJE DISTRICT COLLECTOR, THIRUVANANTHAPURAM.

BY GOVT. PLEADER SMT. R.BINDU

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 18/6/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J.

C.R.P.No. 111 OF 2005 A

Dated this the 18th June, 2007.

O R D E R

Heard the Govt. Pleader. Perused the order passed by the learned Subordinate Judge. The order under attack is one which is passed in I.A.1799/03 in L.A.R.49/90. The claimants did not prosecute the case and the reference is answered by the Court in the year 1994. An application under Order IX Rule 13 was filed on 16.2.2003. The Court dismissed the application on two grounds. (i) The inordinate delay of 9 years which is not properly explained and (ii) that the petition itself is not maintainable because the land acquisition court has to pass an award in a case and answered the reference and therefore dismissal for default does not arise there. The trial court has also given cogent reasons for not condoning the delay and also has relied upon the decision of the Apex Court reported in **Khazan Singh v. Union of India** {2002(1) KLT 644 S.C} to hold that the petition is not maintainable. The order sought to be revised is in order and that does not suffer from any infirmity or illegality. Therefore C.R.P is dismissed.

M.N.KRISHNAN
Judge

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